

BOARD OF APPEALS CASE NO. 5184

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BEFORE THE

APPLICANTS: Trevor & Sylvia Mause

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ZONING HEARING EXAMINER

**REQUEST: Variance to permit a 6 foot high
fence within the front yard; 515 Sequoia Drive,
Edgewood**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 10/24/01 & 10/31/01

HEARING DATE: December 5, 2001

Record: 10/25/01 & 11/2/01

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Trevor and Sylvia Mause, are requesting a variance, pursuant to Section 267-24B(1) of the Harford County Code, to allow an existing six (6) foot high fence (four feet allowed), within the front yard setback in an R3/CDP Urban Residential Community Development Project District.

The subject parcel is located at 515 Sequoia Drive, Edgewood, Maryland 21040 and is more particularly identified on Tax Map 66, Grid 3B, Parcel 502, Lot 759. The parcel consists of 0.28± acres, is zoned R3/CDP and is entirely within the First Election District.

The Applicant, Mrs. Sylvia Mause, appeared and testified that she and her husband own the subject property which is located on a corner lot in the Edgewood Meadows subdivision. Her home is along the pedestrian paths to the Edgewood public school complex. They had a shorter fence on the property for a while but children going to and from school harassed her dogs and threw rocks and other objects at the dogs and into the yard. For both privacy and security purposes they contracted the Long Fence Company to erect a 6 foot high wooden fence on their property. The Mause's thought that Long had applied for any and all permits as part of their construction contract but learned later that Long had not obtained permits. The fence cost them \$5,800 to erect and removing it would create a financial hardship in addition to removing protections afforded by the fence in regard to privacy and security. The witness testified that there are number of other homes in her development with identical fences. The Applicant pointed out that the fence does not create any line of sight issues for motorists and opined that no adverse impact results from the fence height.

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Finally, the witness testified that an existing above ground pool will be replaced by an inground pool and the Applicant felt that the added height would provide the necessary privacy and security for such a pool.

The Department of Planning and Zoning concluded that the subject property was unique due to its corner lot configuration resulting in two front yard setbacks. The house is angled on the property making the rear yard quite visible from two roads. The fence is 70-75 feet setback from Sequoia Drive and Thornberry Drive and provides no impact to sight distance. In addition the Department found that approval of the increased fence height would not result in any adverse impact to neighboring parcels or the purposes of the Zoning Code. The Department recommends approval of the request.

There was no testimony in opposition to this request.

CONCLUSION:

The Applicants are requesting a variance, pursuant to Section 267-24B(1) of the Harford County Code, to allow an existing six (6) foot high fence (four feet allowed), within the front yard setback in an R3/CDP Urban Residential Community Development Project District.

Section 267-24B(1) provides:

“Fences and walls. Fences and walls may be located in required yards in accordance with the following:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.

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Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

The Hearing Examiner recommends approval of the Applicant's request. The subject property is unique due its corner configuration resulting in two front yard setbacks. The height requested is the minimum necessary to achieve desired privacy and security on this lot which otherwise is fairly exposed to passersby on two streets. There is a good deal of foot traffic in front of the subject home because of its proximity to the Edgewood public school complex. The Applicant's have experienced difficulties with pedestrians harassing their family pets and tossing debris in the yard. There are no discernible adverse impacts to neighboring properties, no impact on sight distance and the purposes of the Zoning Code are not materially impaired.

The Hearing Examiner recommends approval of the subject request subject to the following conditions:

- 1. The Applicant obtains any and all necessary permits.**
- 2. The height of the fence not be further increased.**

Date DECEMBER 13, 2001

**William F. Casey
Zoning Hearing Examiner**